

1 TUCKER ELLIS & WEST LLP  
EVAN C. NELSON - STATE BAR NO. 172957  
2 TIMOTHY C. CONNOR - STATE BAR NO. 236529  
135 Main Street, Suite 700  
3 San Francisco, California 94105  
Telephone: (415) 617-2400  
4 Facsimile: (415) 617-2409  
Email: evan.nelson@tuckerellis.com  
5 Email: timothy.connor@tuckerellis.com

6 Attorneys for Defendant  
RELiance ELECTRIC COMPANY  
7  
8

9 UNITED STATES DISTRICT OF COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11

12 HARRY LEMASTER and CAROLYN  
13 LEMASTER,

14 Plaintiffs,

15 v.

16 ALLIS-CHALMERS CORPORATION  
PRODUCT LIABILITY TRUST, et al

17 Defendants.  
18

Case No. C 08-3316 PJH

**[PROPOSED] ORDER DENYING  
PLAINTIFFS' MOTION FOR REMAND**

Date: September 17, 2008

Time: 9:00 a.m.

Dept.: 3, 17<sup>th</sup> Floor

19 Having considered the papers and arguments submitted in support, in opposition and in  
20 reply to Plaintiff's Motion to Remand Case to the California Superior Court, County of San  
21 Francisco, and good cause appearing:

22 IT IS HEREBY ORDERED that the Motion is DENIED and this case remains venued in  
23 the United States District Court for the Northern District of California. Plaintiff's request for  
24 attorneys' fees and costs pursuant to 28 U.S.C. section 1447(c) is DENIED.

25  
26 Dated: \_\_\_\_\_

\_\_\_\_\_  
UNITED STATES DISTRICT